

1 ADAM A. REEVES (NYBN 2363877)  
2 Attorney for the United States,  
3 Acting Under Authority Conferred By 28 U.S.C. § 515

4 HALLIE HOFFMAN (CABN 210020)  
5 Chief, Criminal Division

6 JEFF SCHENK (CABN 234355)  
7 JOHN C. BOSTIC (CABN 264367)  
8 ROBERT S. LEACH (CABN 196191)  
9 VANESSA BAEHR-JONES (CABN 281715)  
10 Assistant United States Attorneys

11 150 Almaden Boulevard, Suite 900  
12 San Jose, California 95113  
13 Telephone: (408) 535-5061  
14 Fax: (408) 535-5066  
15 Robert.Leach@usdoj.gov

16 Attorneys for United States of America

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 SAN JOSE DIVISION

20 UNITED STATES OF AMERICA, ) Case No. CR 18-258 EJD  
21 Plaintiff, )  
22 v. ) STIPULATION TO EXCLUDE TIME FROM JULY  
23 RAMESH "SUNNY" BALWANI, ) 28, 2020, TO AUGUST 31, 2020 AND  
24 Defendant. ) [PROPOSED] ORDER  
25 \_\_\_\_\_)

26 **STIPULATION**

27 WHEREAS, on June 28, 2019, the Court ordered that jury selection would be held on July 28,  
28 2020; found that the ends of justice served in granting the continuance outweighed the best interests of  
the public and the Defendant Balwani in a speedy trial; and excluded time under the Speedy Trial Act  
from June 28, 2019 through and including July 28, 2020. Dkt. 83.

29 WHEREAS, on March 20, 2020, the Court issued an Order re Severance of Trials, finding "good  
30 cause to sever the trials of [co-defendant Elizabeth] Holmes and Mr. Balwani"; ordering that "Ms.  
31 Holmes's trial will proceed as scheduled"; and ordering that "Mr. Balwani's trial will begin after Ms.  
32 Holmes's trial".

33 STIPULATION & [PROPOSED] ORDER

34 CASE NO. 18-258 EJD

1 Holmes's trial has concluded." Dkt. 362.

2 WHEREAS, in its March 20, 2020 severance order, the Court continued Ms. Holmes's matter to  
3 April 1, 2020, for status conference and Mr. Balwani's matter to June 16, 2020, for status conference.  
4 Dkt. 362.

5 WHEREAS, on April 1, 2020, the Court set a further status conference as to Ms. Holmes for  
6 April 15, 2020. Dkt. 371.

7 WHEREAS, on April 15, 2020, the Court ordered that jury selection for the Holmes trial be reset  
8 to October 27, 2020; found that the ends of justice served in granting the continuance outweighed the  
9 best interests of the public and the defendant in a speedy trial; and excluded time through and including  
10 October 27, 2020. Dkt. 374.

11 WHEREAS, on June 9, 2020, a Clerk's Notice Resetting Hearing Time was filed moving the  
12 June 16, 2020 status conference for Mr. Balwani to August 31, 2020. Dkt. 416.

13 WHEREAS, on July 20, 2020, during a status conference for Ms. Holmes and a hearing on  
14 motions joined by Mr. Balwani, counsel for Mr. Balwani agreed that time was appropriately excluded  
15 under the Speedy Trial Act through August 31, 2020, the date of the next status conference for Mr.  
16 Balwani.

17 THEREFORE, the parties stipulate and agree that the Court should enter the order below  
18 memorializing its exclusion of time under the Speedy Trial Act through August 31, 2020.

19 IT IS SO STIPULATED.

20 DATED: July 22, 2020

ADAM A. REEVES  
Attorney for the United States,  
Acting Under Authority Conferred  
By 28 U.S.C. § 515

23 \_\_\_\_\_/s/\_\_\_\_\_  
24 ROBERT S. LEACH  
JEFF SCHENK  
JOHN C. BOSTIC  
VANESSA BAEHR-JONES  
25 Assistant United States Attorneys  
26  
27  
28

1 DATED: July 22, 2020

ORRICK, HERRINGTON & SUTCLIFFE LLP

2  
3 \_\_\_\_\_/s/  
4 JEFFREY B. COOPERSMITH, ESQ.  
Attorneys for Ramesh "Sunny" Balwani

5  
6 [PROPOSED] ORDER

7 For the reasons set forth on the record on July 20, 2020, the Court finds that the ends of justice  
8 served by excluding the time from July 28, 2020, through August 31, 2020, from computation under the  
9 Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore,  
10 and with the consent of the parties, IT IS HEREBY ORDERED that the time from July 28, 2020,  
11 through August 31, 2020, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.  
12 § 3161(h)(7)(A), (B)(iv).

13 IT IS SO ORDERED.

14  
15 DATED: \_\_\_\_\_

16 \_\_\_\_\_  
17 THE HONORABLE EDWARD J. DAVILA  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28